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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**
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8 Anna Colvin,

9 Plaintiff,

10 v.

11 Commissioner of Social Security
12 Administration,

13 Defendant.

No. CV-23-00131-TUC-JCH

ORDER

14 On March 16, 2023, Plaintiff filed a Complaint and Application to Proceed In Forma
15 Pauperis ("IFP Application"). Docs. 1, 2. The matter was assigned to the Honorable
16 Maria S. Aguilera. Doc. 3. A party elected assignment to the District Court and the matter
17 was reassigned to the undersigned on March 21, 2023. Docs. 3, 7.

18 The Court has reviewed Plaintiff's IFP Application. Doc. 2. The Court finds that
19 Plaintiff has shown she is unable to pay the fees without hardship as required by 28 U.S.C.
20 § 1915(a). An affidavit in support of an IFP application is sufficient where it alleges that
21 the affiant cannot pay the court costs and still afford the necessities of life. *Adkins v. E.I.*
22 *DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). The IFP statute does not itself define
23 what constitutes insufficient assets and the Ninth Circuit has recognized, "[o]ne need not
24 be absolutely destitute to obtain benefits of the in forma pauperis statute." *Jefferson v.*
25 *United States*, 277 F.2d 723, 725 (9th Cir. 1960). Nonetheless, a plaintiff seeking IFP status
26 must allege poverty "with some particularity, definiteness and certainty." *United States v.*
27 *McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (internal quotation marks omitted). Here, with
28 her spouse's income, their household's monthly expenses total \$2,993.00 and exceeds their

1 household's total gross income of \$2,620.00. Doc. 2 at 2, 5. Neither their combined monthly
2 income, nor their checking balance, are sufficient to cover the \$402 filing fee without
3 hardship. *Id.*

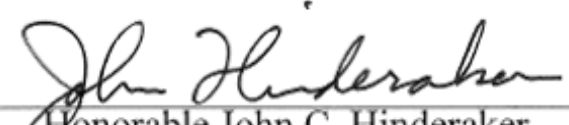
4 Accordingly,

5 **IT IS ORDERED GRANTING** Plaintiff's IFP Application. Doc. 2.

6 **IT IS FURTHER ORDERED** this case, reassigned to the Honorable John C
7 Hinderaker, is hereby referred to Magistrate Judge Maria S. Aguilera for all pretrial
8 proceedings and a report and recommendation in accordance with 28 U.S.C. § 636(b)(1),
9 Fed. R. Civ. P. 72, and 72.2 of the Rules of Practice of the United States District Court for
10 the District of Arizona. All future filings in this case shall be designated:

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12 CV-23-00131-TUC-JCH (MSA).

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14 Dated this 27th day of March, 2023.

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18 Honorable John C. Hinderaker
19 United States District Judge
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